



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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020457 LMC1/0426
ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON VA 22209

EXAMINER	
SWARTHOUT, B	
ART UNIT	PAPER NUMBER
2736	20

DATE MAILED: 04/26/00

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. The communication filed 4-10-00 is informal/non-responsive for the reason(s) checked below and should be corrected.
APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.

- a. The amendment to claim(s) _____, filed _____, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. Other See attachment

2. In accordance with applicant's request, **THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).**
No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4. Other

Art Unit: 2736

1. Claims amended in the response filed 4-10-2000 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: newly proposed claims pertain to a system for setting retrieval conditions corresponding to an icon, and receiving icon shape and position information, which does not require static and dynamic information parts as required by originally filed claims 1-4. Originally filed claims 1-4 could have displayed a location on a map without receiving icon shape and position information, which would have allowed for a completely different map display system.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-48 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP 821.03.

If it was applicant's intent to select a non-elected group of claims in the continuing application, such should have been filed as a Divisional CPA. Since this application was filed as a regular CPA, applicant is held to the originally elected group.

2. The amendment filed on 4-10-2000 eliminating all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP 821.03). The remaining claims are not readable on the elected invention because newly proposed claims do not claim static and dynamic information parts, and claim icon shape and position limitations not found in the elected claims.

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Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent Swarthout whose telephone number is (703) 305-4383. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.



B. Swarthout

April 19, 2000

BRÉNT A. SWARTHOUT
PRIMARY EXAMINER